

REMARKS/ARGUMENTS

This amendment is being filed in response to the Office Action mailed July 29, 2005, in which a three (3) month Shortened Statutory Period for Response was set, due to expire October 29, 2005. Enclosed is our check to cover the fee for a three-month extension of time, to January 29, 2006. Twenty-seven (27) claims, including five (5) independent claims, were originally paid for in the application. Claims 13 and 22 are canceled herein without prejudice, with claims 1-12 and 16 being previously canceled.

Claims 17 and 23 are rewritten in independent form. Claims 14-15, 18-21, and 24-27 are currently amended. New claims 28-32 have been added. No new matter has been added to the application. No fee for additional claims is due by way of this amendment. The Director is authorized to charge any additional fees due by way of this amendment, or credit any overpayment, to our Deposit Account No. 19-1090. Claims 14-15, 17-21, and 23-32 are now pending in the application.

Information Disclosure Statement

The applicant notes that the references listed in the Information Disclosure Statement filed on May 14, 2002, have not been acknowledged by the Examiner. The applicant respectfully requests that the Examiner provide acknowledgement of said references, by returning an initialed copy of the form PTO-1449, having these references listed thereon, with the next communication.

Rejections Under 35 U.S.C. § 103

Claims 13-15 and 17-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Leon (U.S. Patent No. 6,701,304). Specifically, the Examiner stated that "Leon shows all of the limitations of the claims except for specifying tax information on the data structure." The Examiner further cited the printer of column 6, lines 36-38, of Leon as being capable of printing a "tax stamp (tax information)," and further cited the RFID of Tuttle (U.S. Patent No. 5,497,140) having a memory to store certain pieces of data. For the reasons set forth below, the applicant respectfully disagrees with these rejections, and requests that the pending claims be allowed.

Leon discloses a postage label that includes human-readable and machine-readable data elements. *See, e.g.*, Figure 4 of Leon. The machine-readable element(s) is in the form of indicia that indicates that postage has been paid by the user/sender. Specifically in Leon, a “metering device (or more specifically the SMD) is loaded with funds and the user is allowed to obtain revenue from the SMD in the form of indicia via indicium transactions. An indicium transaction is initiated by a request from the user via the host PC or the metering device. In the metering device/host PC configuration, the host PC sends the SMD a message requesting the SMD to deduct the revenue amount from its revenue registers. If sufficient funds exist, the SMD generates a signed bit pattern representing the revenue (i.e., an indicium) and sends it to the host PC. The host PC then renders the indicium into a particular format and prints it on a document (*e.g.*, a label, a mailpiece, or others). The printed indicium is verifiable (visual) evidence that revenue has been paid.” *See, e.g.*, column 6, lines 51-64 of Leon (emphasis ours).

Thus, it is clear that the printed indicium of Leon merely indicates that revenue for the postage has been paid--the indicium of Leon does not provide much more information. For example, the indicium of Leon may include an identifier (column 8, line 5) or may include other data elements listed in Table 1 (column 11, lines 35-58).

The printer of Leon described on column 6, line 37, merely has the capability to print tax stamps. Leon does not disclose, teach, or suggest that the indicium can be printed on this tax stamp, and further does not disclose, teach, or suggest the type information that may be included in such an indicium.

Tuttle discloses an RFID device that can be placed on a postage stamp or postage label, so as to facilitate the sorting of mail. For example, the information in the RFID device is read by mail sorting devices, so that the item being mailed can be properly routed to the next destination(s) along the shipping route. *See, e.g.*, column 6, lines 14-28 of Tuttle. The data contained in the RFID device of Tuttle includes owner’s name, ID number, point of origin, weight, sizes, route, and destination. *See, e.g.*, column 6, lines 19-21 of Tuttle.

Discussion of the Claims

Claim 17 has been rewritten in independent form, and its base independent claim 13 has been canceled. Newly independent claim 17 recites *inter alia* that the data structure stores

a product type identifier and a manufacturer identifier associated with the taxable item. The cited references, whether singly or in combination, do not disclose, teach, or suggest this feature.

As explained above, Leon provides a postage label with an indicium, and does not provide the recited data structure storing tax information. The indicium of Leon is limited to providing an indication that postage has been paid, and perhaps an indicium identifier and some indicium-related or postal-related information listed in Table 1 of Leon. There is no motivation to modify the indicium of Leon to include other types of information, including a product type identifier and a manufacturer identifier as recited in claim 17. Such a modification would be contrary to the principles of a modern postal system.

For example, when senders send a package in the mail, such senders expect the contents of the mailing package to be confidential or otherwise not readily determinable while en route through the postal system. Including information in the indicium of Leon to include the type of item contained inside the mailing package and the identity of the manufacturer of the item would remove that confidentiality and would erode the public's confidence in the security of the postal system.

While Leon does disclose that his printer has the capability to print tax stamps, there is nothing disclosed, taught, or suggested in Leon that his tax stamp would contain information that is any different from the information contained in a conventional tax stamp. For example, as explained on page 1, lines 25-26 of the present application, conventional tax stamps do not identify the manufacturer of the goods or identify the specific goods being sold.

Tuttle does not cure the deficiencies of Leon. Specifically on page 2 of the present Office Action, the Examiner has interpreted the "owner name" to be the "manufacturer," and has further interpreted the "ID number" to be the "product type." The applicant respectfully disagrees with these interpretations. Again, the Examiner is reminded that Tuttle is also directed towards a postal application, or more specifically, an RFID device attached to a postage stamp so as to facilitate mail sorting. Therefore, as explained previously above with regards to Leon, the RFID device of Tuttle cannot be expected to provide information other than that required for properly sorting the package through the postal system. The "owner name" in Tuttle is thus either the sender or the receiver for the package, and the "product ID" is an identifier as to the type of package, such as letter, tubular package, Express Mail package, flat box package,

etc.--the specific identity of the item contained in that package and the manufacturer of the item is not and cannot be provided in the postal system of Tuttle.

Accordingly based on the above, independent claim 17 is allowable over the cited references. Dependent claims 14-15 and 18-21 are amended to change their dependency based on newly independent claim 17, and are allowable as well.

Claim 23 is rewritten in independent form, and its base independent claim 22 has been canceled. Newly independent claim 23 recites *inter alia* that the records further store a product type identifier and a manufacturer identifier associated with the taxable item. As explained above, these features are not disclosed, taught, or suggested by any of the cited references, whether singly or in combination. Accordingly, claim 23 is allowable.

Dependent claims 24-27 are amended to change their dependency based on newly independent claim 23, and are allowable as well. New dependent claims 28-32 have been added, and also recite allowable features.

For example, dependent claim 28 recites that the data structure is accessible to allow the tax information stored therein to be updated, after the machine-readable structure has been physically associated by affixing to the taxable item. This feature is not found in any of the cited references. For example, the indicia on the postage label of Leon is not and cannot be updated after the package has been mailed. The RFID device of Leon is merely read for purposes of sorting for the shipping route. In short, Leon and Tuttle provide read-only capabilities, with no capability to update or otherwise write after affixing to a package, since their data is used only to verify that postage has been properly paid and/or to assist in mail sorting. Accordingly, claim 28 is allowable.

Dependent claim 29 recites that the data structure requires an access code to allow access to update the tax information. Again, this feature is not disclosed, taught, or suggested by any of the cited references. For example, such an access code would be impractical in the system of Tuttle, since he does not provide the recited update capability and because an access code would slow down or otherwise be impractical in a postal system where a high volume of mail needs to be sorted expediently. Accordingly, claim 29 is allowable.

Dependent claim 32 recites that the wireless memory device can be affixed to an opening of a container for the taxable item in a manner that the wireless memory device is damaged when the container is opened. Leon and Tuttle provide their indicium and RFID

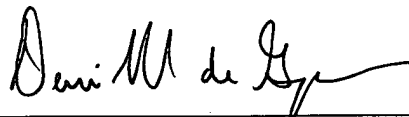
device, respectively, on a mailing label or stamp. A mailing label or postage stamp is not placed on an opening of a letter so that the indicium/RFID device is damaged when the letter is opened. Furthermore, postage stamp collectors ("philatelists") place great importance and value on a pristine condition of a postage stamp. Accordingly, claim 32 is allowable.

Conclusion

Overall, the cited references do not singly, or in any motivated combination, teach or suggest the claimed features of the embodiments recited in the independent claims, and thus such claims are allowable. Because the remaining claims depend from the allowable independent claims, and also because they include additional limitations, such claims are likewise allowable. If the undersigned attorney has overlooked a relevant teaching in any of the references, the Examiner is requested to point out specifically where such teaching may be found.

In light of the above amendments and remarks, the applicant respectfully submits that all pending claims are allowable. The applicant, therefore, respectfully requests that the Examiner reconsider this application and timely allow all pending claims. Examiner Cuff is encouraged to contact Mr. de Guzman by telephone to discuss the above and any other distinctions between the claims and the applied references, if desired. If the Examiner notes any informalities in the claims, he is encouraged to contact Mr. de Guzman by telephone to expediently correct such informalities.

Respectfully submitted,
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